

to have this so construed as to prevent executive sessions where you are dealing with matters referring to individuals, their background, their past, and so on, where sometimes character assassination can sometimes take place. This is merely to have for the public the votes, not only on bills and resolutions, but on the matters relating to confirmation of officers and election of officers. We urge the adoption of this amendment.

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: Mr. Chairman, I agree that this is a clarifying amendment. It may well be that the transcript might reflect this as well, but I think in the interest of clarification I would support the amendment.

THE CHAIRMAN: Is there any further discussion of the amendment?

Delegate Della.

DELEGATE DELLA: Mr. Chairman, will the sponsor yield for a question?

THE CHAIRMAN: Delegate Sherbow, do you yield?

DELEGATE SHERBOW: Yes.

DELEGATE DELLA: Will all the confirmations be in public?

DELEGATE SHERBOW: Only a vote. When you are holding public hearings there is also a reason to hold executive sessions. This, as you know, deals only with the vote itself, which I believe is the present practice now, is it not?

THE CHAIRMAN: Delegate Della.

DELEGATE DELLA: No, it is not.

While in executive session a vote is taken that is not published. Although we have a journal, the journal is somewhat sealed as to the number of votes.

It is a question that we either advise and consent as to the appointment, or we do not advise and consent. The appointment is either rejected or confirmed, and therefore, the number of votes is never declared as far as the papers are concerned. This is only for the protection, I think, for the appointee, because you could have a 21 or 22-20 vote, or a 21-19 vote in the Senate on the proposed appointment, and I think that might be a reflection against the nominee if the vote were to appear.

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: I think the amendment ought to pass the procedure. In

the federal government the committee hearings may or may not be secret, I do not know. But when the time comes for the vote, the vote is made public. The people are entitled to know how the vote on the governor's nominee finally came out.

THE CHAIRMAN: Delegate Bamberger.

DELEGATE BAMBERGER: Mr. Chairman, I do not disagree with the intention of the amendment as expressed by Delegate Sherbow, but if that is its only intention, then it is redundant and unnecessary, and its inclusion may suggest that it has some other intention. If the intent is that the public shall know how members of the General Assembly vote on the election or confirmation of any officer, that would be available in the transcript and the journal which are required by section 3.17 to be published, and to be available to the public.

My problem is how Delegate Sherbow can provide for the vote in public and yet achieve the other protection that he acknowledges is sometimes necessary, that is that the debate on the election or confirmation of an officer must of necessity, and really should, for the protection of the people involved, be in executive session, because there can well be things said there which, in fairness to the person involved, ought not to be said in public. They may be true but they may be irresponsible. I do not see how, without saying that specifically, you can have the vote in public and foreclose debate on the vote. If the vote is in public, then any member of the Senate or the House under its present rules could explain his vote, unless something is said here that prohibits that.

I am concerned that it is not necessary to achieve the purpose of a public record of confirmation of an officer, and that putting it in may really accomplish the purpose that Delegate Sherbow agrees that he does not want to accomplish, and that is an opportunity for public character assassination.

THE CHAIRMAN: Does any other delegate desire to speak in favor?

Delegate Sherbow.

DELEGATE SHERBOW: I simply want to reply to Delegate Bamberger, and say when we spoke of the hearing, I was talking of the committee hearing. What takes place on the floor of the House and the Senate ought to be public. If a senator and delegate are debating, that ought to be public. When he is voting, that ought to be public. The safeguard we are speaking of